IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JAZMYNE MCMILLER,

Plaintiff,

v.

CITY OF OMAHA, and
FRED J. HIYKEL,

Defendants.

CASE NO. 8:15-cv-00254

NOTICE OF REMOVAL
AND
DEMAND FOR JURY TRIAL

COME NOW FRED HIYKEL and the CITY OF OMAHA, Defendants in the above-entitled action, and remove this action to this United States District Court for the District of Nebraska upon the following showing:

1. On June 19, 2015, Plaintiff filed in the District Court of Douglas County, Nebraska, a Complaint in an action with the above-shown caption and identified as Case No. CI 15-5443 where it is presently pending. A true and accurate copy of the Complaint is attached hereto as Exhibit 1. That Complaint asserts that the Defendants' conduct deprived the Plaintiff of her federal constitutional rights and will seek recovery pursuant to 42 U.S.C. §1983.

2. Plaintiff caused the Clerk of the District Court to issue summons on June 19, 2015. A true and accurate copy of the summons that was served on the City of Omaha, which is representative of all the summons that were served on the City Defendants, is attached hereto as Exhibit 2. The summons contained a copy of the Plaintiffs Complaint and was served upon the City Defendants on June 24, 2015. That Complaint received on June 24, 2015, is the first pleading from which it can be ascertained that the case is removable. The summons and Complaint provide the Defendants 30 days from the service date to answer the Complaint.

3. The Complaint in the pending action presents a claim arising under the United States Constitution, treaties, or laws of the United States and is removable from the State court in accordance with 28 U.S.C. § 1441(a).

4. All Defendants named in the Complaint join in this Removal.

5. Service of process was made on or about June 24, 2015. This Notice of Removal is filed within 30 days after any named Defendant first received or was served with the Complaint and within the 30 days granted by the state court to answer the Complaint.

6. Pursuant to 28 U.S.C. § 1331 this Court has original jurisdiction of the claim filed by Jazmyne MCMiller in the District Court of Douglas County, Nebraska, and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, the removing Defendants pray that the above entitled action be removed from the District Court of Douglas County, Nebraska to this Court.

DEMAND FOR JURY TRIAL

Defendants request a jury trial in Omaha, Nebraska.

CITY OF OMAHA, et al., Defendants

By: /s/ William Acosta-Trejo
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CERTIFICATE OF SERVICE

I hereby certify that on 14th day of July, 2015, I electronically filed the foregoing **NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL** with the Clerk of the Court and mailed the same, via U.S. Postal Service, postage prepaid, to Martin A. Cannon, Jr., 24000 210th St., Crescent, IA 51526.

/s/ William Acosta-Trejo